

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR-16-33-GF-BMM

Plaintiff,

vs.

CLIFFORD AIMSBACK,

Defendant.

**FINDINGS AND  
RECOMMENDATIONS TO  
REVOKE DEFENDANT'S  
SUPERVISED RELEASE**

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**I. Synopsis**

The United States accused Mr. Aimsback of violating his conditions of supervised release by (1) submitting a urine sample that tested positive for alcohol, (2) testing positive for methamphetamine, (3) failing to report for substance abuse treatment, (4) failing to report for substance abuse testing, and (5) failing to notify his probation officer of a change in his address. Mr. Aimsback admitted to the violations. His supervised release should be revoked, and he should be sentenced to time served, with eleven months of supervised release to follow to include treatment at Crystal Creek.

**II. Status**

United States District Judge Brian Morris sentenced Mr. Aimsback to time served, with twelve months of supervised release to follow, on March 9, 2017,

after he pleaded guilty to providing false statements to an FBI agent. (Doc. 124.)

Mr. Aimsback began his current term of supervised release on March 9, 2017.

### **Petition**

On April 11, 2017, the United States Probation Office filed a petition asking the Court to revoke Mr. Aimsback's supervised release. (Doc. 128.) The Probation Office accused him of violating his conditions of supervised release by (1) submitting a urine sample that tested positive for alcohol, (2) testing positive for methamphetamine, (3) failing to report for substance abuse treatment, (4) failing to report for substance abuse testing, and (5) failing to notify his probation officer of a change in his address. (*Id.*) Based on the petition, Judge Morris issued a warrant for Mr. Aimsback's arrest. (Doc. 129.)

### **Initial appearance**

On May 31, 2017, Mr. Aimsback appeared before the undersigned in Great Falls, Montana, for an initial appearance. Federal Defender Jocelyn Hunt accompanied him at the initial appearance. Assistant United States Attorney Jessica Betley represented the United States.

Mr. Aimsabck said he had read the petition and understood the allegations. He waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned. The Court continued the revocation

hearing so the Probation Office could explore treatment options for Mr. Aimsback.

### **Revocation hearing**

The Court conducted Mr. Aimsback's revocation hearing on June 20, 2017. He admitted that he violated the conditions of his supervised release. The violations are serious and warrant revocation of his supervised release.

Mr. Aimsback's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class D felony. He could be incarcerated for up to twenty-four months. He could be ordered to remain on supervised release for twelve months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The parties agreed that a sentence of time served, with eleven months of supervised release to follow to include treatment at Crystal Creek would be appropriate in this instance. Mr. Aimsback consented to location monitoring until he is admitted to Crystal Creek. Both parties waived their right to appeal this sentence.

### **III. Conclusion**

Mr. Aimsback's supervised release should be revoked because he admitted violating its conditions. He should be sentenced to time served, with eleven months of supervised release to follow. His supervised release should include

substance abuse treatment at Crystal Creek. This sentence would be sufficient given the serious violation of the Court's trust, but it would not be greater than necessary.

The Court **FINDS:**

Clifford Aimsback violated the conditions of his supervised release by (1) submitting a urine sample that tested positive for alcohol, (2) testing positive for methamphetamine, (3) failing to report for substance abuse treatment, (4) failing to report for substance abuse testing, and (5) failing to notify his probation officer of a change in his address. .

The Court **RECOMMENDS:**

The district court should enter the attached Judgment, revoking Mr. Aimsback's supervised release and committing him to the custody of the United States Bureau of Prisons for time served, with eleven months of supervised release to follow. His supervised release should include substance abuse treatment at Crystal Creek.

Dated the 20<sup>th</sup> day of June 2017.



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John Johnston  
United States Magistrate Judge